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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/571,880

11/03/2006

Herbert Wehler

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2658

39231

7590

10/23/2009

SMITH LAW OFFICE

8000 EXCELSIOR DRIVE, SUITE 301

MADISON, WI 53717

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

10/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/571,880	Applicant(s) WEHLER, HERBERT	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009 and 07 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/4/09</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

The information disclosure statement filed March 4, 2009 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information regarding German Patent Publication DE 198 06 762 to therein has not been considered.

Specification

The amendment filed March 4, 2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the first section is close to the sliding door than the second section as set forth in claim 20..

Applicant is required to cancel the new matter in the reply to this Office Action.

The abstract of the disclosure is objected to because "is described" on line 1 can be easily implied and therefore should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “closer” on line 3 of claim 15 render the claims indefinite because it is unclear what the position the applicant is comparing to the position of the first and second ends in the open position of the door.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 14, 19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (US 6787702). Suzuki discloses a sliding door system for a vehicle, wherein the vehicle has a chassis 3 and a sliding door 2 that is movable between a closed position and an open position on the chassis, and the sliding door system comprises:

an energy guide chain 1 having a first end connected to the sliding door and a second end connected to the chassis; and a curved region (not numbered, but shown in figure 1) disposed between the ends, and the curved region defines a first radius of

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curvature when the sliding door is in the closed position as shown in figure 1 and a second radius of curvature when the sliding door is in the open position as shown in figure 2, and the first radius of curvature is smaller as shown in figure 1 than the second radius of curvature as shown in figure 2;

wherein the first end of the energy guide chain is joined to a central portion of the sliding door (claim 14);

wherein the energy guide chain further comprises: a first section as shown in figure 1 in which the first radius of curvature is formed when the sliding door is in the closed position; and a second section as shown in figure 2 in which the second radius of curvature is formed when the sliding door is in the open position (claim 19).

Claims 1, 14, 15 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 2004/003543). Kobayashi et al. discloses a sliding door system for a vehicle, wherein the vehicle has a chassis B and a sliding door SD that is movable between a closed position and an open position on the chassis, and the sliding door system comprises:

an energy guide chain 1 having a first end connected to the sliding door and a second end connected to the chassis; and a curved region (not numbered, but shown in figure 1) disposed between the ends, and the curved region defines a first radius of curvature when the sliding door is in the closed position P1 and a second radius of curvature P2 when the sliding door is in the open position, and the first radius of curvature is smaller than the second radius of curvature;

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wherein the first end of the energy guide chain is joined to a central portion of the sliding door (claim 14);

wherein the first end of the energy guide chain and the second end of the energy guide chain are closer together when the sliding door is in the open position P2 as shown in figure 3 (claim 15);

wherein the energy guide chain further comprises: a first section as shown in figure 1 in which the first radius of curvature is formed when the sliding door is in the closed position; and a second section as shown in figure 2 in which the second radius of curvature is formed when the sliding door is in the open position (claim 19);

wherein the energy guide chain further comprises: a first section in which the first radius of curvature is formed when the sliding door is in the closed position; and a second section in which the second radius of curvature is formed when the sliding door is in the open position, and wherein the first section is closer to the sliding door than the second section as shown in figure 3 (claim 20);

wherein the energy guide chain first section prevents the energy guide chain first section from curving to a radius of curvature less than the first radius of curvature; and the energy guide chain second section prevents the energy guide chain second section from curving to a radius of curvature less than the second radius of curvature (claim 21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki as applied to claims 1, 14, 19 and 22 above. Suzuki is silent concerning specific radii of curvature.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the ratio of the first radius of curvature in the closed position of the sliding door to the second radius of curvature in the open position of the sliding door is less than about 0.5.

Claim 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. as applied to claims 1, 14, 15 and 19-22 above. Kobayashi et al. is silent concerning specific radii of curvature.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the ratio of the first radius of curvature in the closed position of

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the sliding door to the second radius of curvature in the open position of the sliding door is less than about 0.5.

Response to Arguments

Applicant's arguments filed March 4, 2009 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-

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272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634